

# ORDINANCE 1575

## **AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING SECTIONS 13.36.020, 13.36.030 AND 13.36.040 OF THE NORTH BEND MUNICIPAL CODE RELATING TO SEWER REGULATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the North Bend Municipal Code (“NBMC” or “the Code”) currently requires all new development to connect to the City of North Bend (the “City”) public sanitary sewer system and prohibits the installation of new septic drainfields; and

**WHEREAS**, the City Council of the City of North Bend (the “Council”) finds that an onsite septic drainfield is an acceptable alternative to a public sewer connection in the City when necessary to accommodate siting of a public facility funded by tax dollars and operated by a public agency for the public benefit, provided that certain criteria are met regarding the size, design and maintenance of such drainfield; and

**WHEREAS**, amendments to the City Code are necessary to allow and establish criteria for the installation and operation of an onsite septic drainfield and to clarify this exception to the requirement to connect to the public sewer system;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. NBMC 13.36.020 (Connection to public sewer required), Amended:**  
North Bend Municipal Code Section 13.36.020 (Connection to public sewer required) is hereby amended to read as follows:

### **13.36.020 Connection to public sewer required.**

A. Subject to the waiver provisions of NBMC 13.06.050 or subsection B below, the owner of all new houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city is required at his or her expense to install suitable toilet and wastewater facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, prior to occupancy.

B. The Public Works Director may, at his or her discretion, waive the requirements of this section if the following conditions are met:

1. The building or property is a public facility funded by tax dollars;
2. The building or property is owned and operated by a public agency for the public benefit; and
3. The sewage disposal system for the building or property complies with the requirements of NBMC 13.36.040(B).

**Section 2. NBMC 13.36.030 (Private sewage disposal system – Connection to public sewer), Amended:** North Bend Municipal Code Section 13.36.030 (Private sewage disposal system – Connection to public sewer) is hereby amended to read as follows:

**13.36.030 Private sewage disposal system – Connection to public sewer.**

A. Owners of all existing structures served by a private septic system shall connect their property to the public sewer within 90 days of such time as public sewer becomes located within 200 feet of any point on their property; provided, however, that owners of existing residential structures, mobile home parks, RV parks, motels, or hotels served by a private septic system are not required to connect to public sewer located within 200 feet of their property unless (i) their septic system requires a permit for expansion, rehabilitation, or replacement, pursuant to NBMC 13.36.040; or (ii) the property is subject to an agreement that requires connection to the public sewer when public sewer becomes available to the property.

B. Upon connection to the public sewer, any septic tank, cesspool, drainfield, or similar private sewage disposal facilities shall be abandoned and filled with suitable material in accordance with Department of Health specifications. Connection to the public sewer shall be at the cost and expense of the property owner and he/she shall pay all associated general facility charges and fees. The property owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer.

C. Any property owner who does not connect to public sewer in accordance with NBMC 13.37.020 within 90 days of receiving notice from the city or as set forth in any connection agreement shall be subject to a monthly sewer service fee in addition to the provisions set out in NBMC 13.36.370. Such imposition shall be the same as if such dwelling or other facility were in fact connected to the sewer system. In addition to any other requirement or remedy set out in the NBMC, if such connection is

not made after notice is provided by the city of the requirement to connect, a lien shall be recorded upon the subject property for fees due in relation to the required connection.

**Section 3. NBMC 13.36.040 (Privies, septic tanks and cesspools prohibited - Exception), Amended:** North Bend Municipal Code Section 13.36.040 (Privies, septic tanks and cesspools prohibited – Exception) is hereby amended to read as follows:

**13.36.040 Privies, septic tanks and cesspools prohibited – Exception.**

A. Unless otherwise permitted by this chapter or by chapter 13.06 NBMC, it shall be unlawful to install, construct, expand, rehabilitate or replace a privy, privy vault, septic tank, cesspool, drainfield, or other facility intended or used for the disposal of sewage if the expansion, rehabilitation, or replacement requires a permit from the Department of Health pursuant to NBMC 13.36.170.

B. The provisions of this section shall not apply when a waiver is granted by the Public Works Director under NBMC 13.36.020(B) and the following criteria for installation of a septic drainfield are met:

1. The septic drainfield is located on a lot area greater than or equal to 10 acres;
2. The septic drainfield design is approved by the King County Health Department;
3. The septic drainfield is located on publicly owned property and is operated and maintained by a public agency.

C. Any installation, construction, expansion, rehabilitation, or replacement permitted by subsection (A) of this section must be designed and implemented so that the public health, safety, and welfare will not be endangered and said system will comply with the city's health standards. Before performing any installation, construction, expansion, rehabilitation, or replacement permitted by subsection (A) of this section, the owner of the property shall enter into an agreement with the city in a form approved by the city attorney, which agreement shall run with the land and shall provide as follows:

1. the property owner shall be a petitioner for the formation of any local improvement district or utility local improvement district for the purposes of extending sewer facilities and service to the property;
2. the property owner shall not protest the formation of a local improvement district or utility local improvement district by the

city council for the purposes of extending sewer facilities and service to the property; and

3. the property owner shall connect to the public sewer at the property owner's expense and pay all associated charges, assessments, and fees when the public sewers come within 200 feet of the property line.

**Section 4. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 5. Effective Date:** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5<sup>TH</sup> DAY OF JANUARY, 2016.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published:

Effective:

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**Susie Oppedal, City Clerk**